



KENNY C. GUINN
Governor

INS REQUIREMENT

Nevada's Revised Statute 176.156 paragraph 2 states:

If the Immigration and Naturalization Service of the United States Department of Justice requests the disclosure of a report of a presentence investigation, the court shall disclose the factual content of the report to the Immigration and Naturalization Service for the limited purpose of performing its duties, including, but not limited to, conducting hearings that are public in nature for the deportation of aliens.

The State of Nevada has established a plan under which the state provides, without fees to the Immigration and Naturalization Service (INS), notice of conviction of aliens who have been convicted of violating the criminal laws of the state, within 30 days of the date of a request by the INS of such records.

Specifically the plan is implemented as follows:

The Division of Parole and Probation (P&P) will receive a request from the courts to write a "Presentence Investigation Report" (PSI). If the offender is determined NOT to be a citizen of the United States, the P&P officer will notify INS either by telephone or fax. U. S. Immigration will inform the P&P officer if the offender **is** or **is not** an alien. If the offender is an alien, the Immigration officer will advise the P&P officer if the offender is illegal, what type of visa the alien should have, the alien's registration number and the alien's true country of citizenship.

When the alien is given a sentencing date, by law, the P&P office will send the U. S. Immigration office a copy of the completed PSI and advise them of the alien's sentencing date. If the U. S. Immigration office wishes to deport the alien, they will appear on the court sentencing date and take the alien into custody.

If an alien is admitted to the Nevada Department of Prisons, an INS officer will periodically conduct physical interviews with the alien offender. A hearing is scheduled to determine status and condition at the time of release.

The prison system has access from both the North and South facilities to the INS through computer terminals.

A Phase II Plan is in process:

Resulting from a baseline audit and needs assessment of Nevada's Criminal History Records Repository conducted by the Executive Consulting Group in 1993 through 1994, a comprehensive effort was made to redesign and revitalize the Nevada Criminal Justice Information System. As a result of the redesign and following development of the new system, data will be provided to USINS consistent with Nevada's approved plan by BJA.

REPORTING ALIEN CONVICTIONS

IMMIGRATION AND NATURALIZATION SERVICE (INS)

This is to certify that I have read, understand, and agree to abide by Nevada's guidelines for reporting alien arrests/convictions to Immigration and Naturalization Service (INS). Specifically, I ensure that criminal justice agencies in the city/county will perform the following functions:

- T notify INS at the time of booking when a suspected alien is arrested, and/or
- T notify INS within 30 days of a felony or deportable misdemeanor conviction of an alien.

A noncompliance with the above mandate may result in the following:

- T temporary withholding of cash payments to the project pending corrections or more severe enforcement action by the Office of Criminal Justice Assistance,
- T disallowance of use of funds for all or part of the cost of the project,
- T suspension or termination of the current award for the grantee's program,
- T withholding further awards or other legal remedies.

Project Director _____ Date _____